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CBS Jury Is Told of Officer's Letters Citing 'Lies' About Enemy Strength

By M. A. FARBER

The jury in the trial of Gen. William C. Westmoreland's libel suit against CBS was shown a series of letters yesterday in which an intelligence analyst in South Vietnam wrote to his wife in 1968 that "outright lies" and "truly gargantuan falsehoods" were involved in estimates of enemy strength.

The letters, from Comdr. James Meacham of the Navy, were introduced by David Boies, the lawyer for CBS, as part of a wide-ranging effort to show the network used reliable material in preparing its 1982 documentary, "The Uncounted Enemy: A Vietnam Deception," that is the subject of the \$120 million suit.

As he read from the 10 letters — which Commander Meacham had consistently told CBS did not portray any "faking of intelligence" — Mr. Boies asked George Crile, the producer of the documentary, over and over whether he had depended on them.

Each time Mr. Crile said he had, and went on to explain what he regarded as their significance. He said the letters — portions of which were used in the documentary — demonstrated Commander Meacham's contemporaneous "admissions" and acknowledgment of the "perversion of a responsibility to properly inform the country as to the nature of the enemy we were fighting."

Called as 'Hostile Witness'

Mr. Crile — who also told the jury of the many books, Congressional reports and other materials he relied upon while researching the program in 1981, as well as of the intelligence officers of the "highest integrity" with whom he had spoken — was called in December as a "hostile witness" by Dan M. Burt, the lawyer for General Westmoreland. Yesterday, Mr. Boies completed his cross-examination of the producer before Judge Pierre N. Leval in Federal District Court in Manhattan, and Mr. Burt is expected to follow today with questions on re-direct.

Commander Meacham, who is now military correspondent of The Economist, the British publication, served in South Vietnam from mid-1967 to mid-1968, when he was 37 years old. He retired from the Navy in 1973.

Virtually every day when he was in Vietnam — where General Westmoreland commanded American forces from January 1964 to June 1968 — Commander Meacham wrote to his wife, Dorothy, in Charleston, S.C. Most of his letters dealt with such matters as his living accommodations, his adventures as an amateur photographer and his children's well-being.

'No One Would Believe It'

Some of the letters, however, contained stark comments on the progress of the war. And, in 1980, the commander gave them to Samuel A. Adams, a former Central Intelligence Agency analyst who was writing a book on a dispute between the C.I.A. and the military over enemy strength during the war. In 1981, Mr. Adams became a paid consultant to CBS for the documentary, and both he and Mr. Crile are defendants in the trial.

In a March 20, 1968, letter containing a reference to Senator Robert F. Kennedy, then an aspirant for the Democratic nomination for President, Commander Meacham wrote:

"I never thought I would consider voting for Bobby, either, but one can have no small comprehension of the mismanagement of this goddam war unless he has seen the outright lies and the machinations" of General Westmoreland's command.

"I'm not talking about confusion and inefficiency, which to a certain extent are products of all wars," he wrote, "but about muddle-headed thinking, cover-your-ass orders, lies and outright foolishness on the very highest levels. The crime is that you couldn't tell anyone even if you wanted to — no one would believe it."

In a letter the next day, the commander sounded the same theme:

"We had a crash project to prepare a briefing for the press on enemy strength as of 29 Feb — complete with viewgraphs. Got it at about 4 — due at noon tomorrow. Anyhow I stayed until about 8 and wrote it and the graphics birds are working on the slides — they have a night shift anyway. I have never in my life assembled such a pack of truly gargantuan falsehoods. The reporters will think we are putting on a

horse and dog show when we try to sell them this crap."

Just before he finished his tour in Vietnam, Commander Meacham wrote that he hoped "it comes out after I am gone, because the roof may fall in."

"I can't say more," he continued. "I'll explain when the war's over."

He said in other letters at that time that he had written a memorandum and had a talk with a superior and "let him know the truth about the doctoring of the strength figures. Now my conscience is clear."

He wrote, too, that "the types" from the Defense Intelligence Agency, the intelligence arm of the Joint Chiefs of Staff, were investigating the situation because they had "smelled a rat," but that they "don't really know where to look for it. They know we've been falsifying the figures, but can't figure out which ones and how."

Matters of 'Interpretation'

In 1981, when Mr. Crile and Mr. Adams brought up the letters with Commander Meacham during an interview in London, the commander said they did not reflect lies, but matters of intelligence "interpretation."

In unbroadcast CBS film shown earlier to the jury, Mr. Crile then asked whether Commander Meacham had not been "saying that you were manipulating figures to come out with preconceived notions as to what the estimates should be? Faking intelligence?"

"No, no, I'm not saying that at all," said the commander. "We certainly weren't faking any intelligence. Nobody that I have any connection with ever faked any intelligence."

But what, Mr. Crile persisted, "could be clearer" than the letters? "You're not producing honest intelligence reports."

"Well, there isn't such a thing as an honest intelligence report, there's my view and somebody else's," Commander Meacham replied. "We quite clearly didn't agree with the figures that we were having to use, but it's not a question of honesty or dishonesty."

In a pretrial affidavit, the commander said the "exaggerated rhetoric" of his letters resulted from his

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having been "bored" with his job. "I never intended that the harsh language in those letters be taken literally," he said. But in another affidavit, his wife, from whom he is divorced, said he saved the letters because they might be "of historical importance."

Commander Meacham appeared briefly on the documentary, confirming a statement that he had been asked by his superiors to "tamper with" data in a military computer that held statistics on enemy strength after the Tet offensive of January 1968. But in an unused part of the interview, he told Mr. Crile the episode was considerably more complicated.

The documentary charged a "conspiracy" at the highest levels of military intelligence in Saigon to minimize

the size of the enemy to make it appear that America was winning the war.

General Westmoreland contends that CBS defamed him by saying that, for political and public-relations reasons, he imposed an arbitrary ceiling of 300,000 on estimates of enemy strength, partly by suppressing reports by his intelligence officers.

Although the computer incident involving Commander Meacham occurred after Tet, the broadcast maintained that much "faking" of intelligence took place before the attack.

And yesterday Mr. Crile testified that he had been told in 1981 by former intelligence officers that, had their reports been allowed to "go forward" to policymakers in Washington and the public, the "shock" of the Tet offensive

would have been tempered.

Mr. Adams, who contributed what Mr. Crile has described as "exhaustive research" to the documentary, is expected to testify within a week as the first witness for CBS. Yesterday Mr. Crile called Mr. Adams a man of "great competence and even brilliance in terms of analytic ability" and a person of "extraordinary integrity."

The producer also said it was "almost unprecedented" in television to have obtained the cooperation — as he said he and Mr. Adams had — of former intelligence officers who had "held major positions of trust" and who were "making admissions against their own interests" about "official misconduct" they had participated in, or witnessed, in Vietnam.